

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

BAP, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:20-cv-00065
)	
OVERTON COUNTY BOARD OF)	
EDUCATION,)	
)	
Defendant.)	
<hr style="width:45%; margin-left:0;"/>		
BAP, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:21-cv-00034
)	
OVERTON COUNTY BOARD OF)	
EDUCATION,)	
)	
Defendant.)	

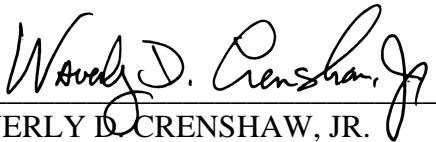
ORDER

On September 9, 2021, the Court ordered the parties to elect whether they preferred to proceed under Case No. 2:20-cv-00065 or Case No. 2:21-cv-00034; the Court would then dismiss the other case with prejudice. (Doc. No. 36 in Case No. 2:20-cv-00065; Doc. No. 11 in Case No. 2:21-cv-00034). On September 14, 2021, the parties elected to proceed under Case No. 2:20-cv-00065. (Doc. No. 39 in Case No. 2:20-cv-00065; Doc. No. 15 in Case No. 2:21-cv-00034). However, the parties expressed concern that res judicata issues would arise were the Court to dismiss Case No. 2:21-cv-00034 with prejudice. (Id.).

Accordingly, Case No. 2:21-cv-00034 is **DISMISSED WITHOUT PREJUDICE**. Plaintiffs' claims will proceed under Case No. 2:20-cv-00065. The Court reminds Plaintiffs' counsel that any res judicata concerns would have been obviated had they merely waited for the Magistrate Judge to

rule on the pending Motion to Amend the Complaint in the first place. (See Doc. No. 26 in Case No. 2:20-cv-00065).

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE